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California. Governor.

Message to the Legislature.

(Leland Stanford. 15th sess.)

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SECOND

# ANNUAL MESSAGE

OF

# LELAND STANFORD,

GOVERNOR OF THE STATE OF CALIFORNIA,

AT THE

Fifteenth Session of the Legislature.

SACRAMENTO:
O. M. CLAYES, STATE PRINTER.
1863.

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# ANNUAL MESSAGE.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, December 9th, 1863.

TO THE SENATE AND ASSEMBLY OF THE STATE OF CALIFORNIA:

You are once more assembled by a constitutional provision to act under the delegated authority of the people of this State, as its legislative guardians. As faithful representatives, you will appreciate the importance of the trust confided to your care.

To the nation of which we are a part, the months that have passed since your last annual gathering have been months of ever changing but never ceasing interest. Thousands and tens of thousands who entered upon the year with high hopes and ardent expectations—who engaged themselves with loyal hearts in a nation's struggle for a nation's life—are now, as the waning days herald the closing of its scenes, lying beneath the honored turf of many a well fought battle field; and their heroic names, hallowed as they are by the mournful associations of their own bereaved homes, will be held forever glorious in the estimation of our country, for the very existence of which they offered themselves as a voluntary sacrifice.

While, then, we are congratulating ourselves upon the national successes of the past year, and the undeviating advance of our armies and arms—while we engage in thankful recollections over the victories we have obtained, and the territory we have conquered—while in our rejoicings we pay a just tribute to the living heroes who represent our country's strength, let us not forget the sad memories that are due to the gallant dead of eighteen hundred and sixty-three. And let us in all our acts be so influenced as to be worthy of the sacrifices made by the living and the dead, who are the glory and honor of our country.

## FINANCES OF THE STATE.

The Legislature of last Winter added to the per centage of taxation for State purposes an amount which, in view of the probable increase in

assessable property, it was thought would put the finances of the State upon a cash basis. Owing, however, to causes that are enlarged upon in another place, the general assessment lists, although larger than before, do not exhibit the increase that was anticipated. For this reason, and for the additional reason that an unusual amount of expenditure has been made during the year upon military appropriations, this additional tax has not up to this time relieved the State Treasury from the pressure of outstanding obligations.

You will receive herewith the annual reports of the State Treasurer and State Controller, which will exhibit the receipts and expenditures during the year, and present the financial condition of the State up to the first day of December, eighteen hundred and sixty-three. On that day the Controller shows the entire indebtedness of the State to be as follows:

| | |
|---|---|
| Bonds issued under the Act of 1857, outstanding | $3,620,500 00 |
| Bonds of 1860 outstanding | 198,500 00 |
| Old War Debt, under Act of March 7, 1851, and May 3, 1852 | 218,468 54 |
| Transfer from Swamp Land Fund for Legislative expenses, Fourteenth Session | 183,125 00 |
| Due the School Fund | 368,520 00 |
| Bonds held by State Treasurer in trust for the School Fund | 107,000 00 |
| Outstanding Warrants drawn on General Fund | 210,620 40 |
| | $4,906,733 94 |
| From this deduct Legal Tender Notes in Treasury belonging to General Fund | 67,190 87 |
| Indebtedness of State, December 1, 1863 | $4,839,543 07 |
| On the first of December, 1862, the State Debt was | 5,569,284 76 |
| December 1, 1863, it is as above exhibited | 4,839,543 07 |
| Decrease | $729,741 69 |

This shows a decrease in the State Debt during the year of seven hundred and twenty-nine thousand seven hundred and forty-one dollars and sixty-nine cents ($729,741 69).

| | |
|---|---|
| The Indebtedness of the General Fund on the 1st of December, 1862, was | $540,213 70 |
| December 1, 1863, it is, according to the Controller's Report | 210,620 40 |
| | $329,593 30 |

Thus showing that the floating debt of the State has been lessened three hundred and twenty-nine thousand five hundred ninety-three dollars and thirty cents ($329,593 30).

The valuation of real and personal property in the State for the year ending the last day of February, eighteen hundred and fifty-four, is in round numbers one hundred and seventy-four millions of dollars, ($174,000,000,) an increase of eleven millions ($11,000,000) over the year previous.

The gratifying decrease in the floating indebtedness of the State during the last two years is due, in part, to the fact that no outside expenditures have been contracted—it having been the steady aim of the Administration to keep the expenses of the State within the limits contemplated by the annual appropriations of the Legislature. Still, however much an Administration may be imbued with a spirit of economy, it rests chiefly with the Legislative branch of the government whether or not such a disposition can be successfully cultivated; and too much care cannot be bestowed in discussing the policy or necessity of unusual appropriations, which a wise and comprehensive legislation may suggest.

In public affairs, as in private transactions, the policy that grasps the present and wisely anticipates the future is the one that should prevail; and the same combination of sagacity and prudence, with judicious expenditure, that conducts individual enterprises to a successful issue, should be the governing rule that controls legislative action.

## STATE CAPITOL.

The tax of five cents on the hundred dollars imposed by the last Legislature for the construction of a State Capitol building will yield, with a deduction of twenty-five (25) per cent for cost of collection and delinquencies, about sixty-five thousand dollars ($65,000.) The work on the building was renewed in June, and a view of its present condition by the members of the present Legislature will convince them that the Capitol Commissioners have exercised a watchful care in expending the moneys intrusted to their hands.

The expenditures to December first, eighteen hundred and sixty-three, have been:

| | |
|---|---|
| For labor and services rendered, including salary of Architect | $26,597 08 |
| For materials received on contracts | 24,341 65 |
| For materials not contracted for, lumber, hardware, etc... | 2,431 92 |
| Total expenditure to date | $53,370 65 |

This leaves about twelve thousand dollars ($12,000) unexpended of the appropriation. There having been but small receipts from that tax until

which a month the Commissioners were compelled to proceed cautiously, and were actuated by a desire to keep within rather than go beyond the limits allowed.

The method of constructing a State Capitol will be a long and tedious one, and at best the yearly advance it will make will not keep pace with the people's expectations. The building should be finished as early as possible, and the means provided to insure that result.

In a young State like our own, poor in comparison to what its future promises, the conviction has became strong in my mind that coming generations should share with the present in the erection of any great and permanent public building. And while thus calling upon the future for aid, an edifice should be constructed that will be satisfactory to the greatness of the coming time. In all new countries the first generation has much to overcome, which inevitably results largely to the benefit of those that follow after; and the older a growing State becomes, the more ability it has to bear burdens that have been lightened by the sacrifices of its earlier years.

The State Capitol of California, that is to endure for generations, should be a structure that the future will be proud of, and surrounded by grounds that should extend into the dimensions of an ample park. Such grounds can now be had at a comparatively nominal sum, and the peculiar salubrity of our climate would, in a few years, surround the edifice with a beauty and luxuriousness that no other Capitol in the country could boast.

I would, therefore, recommend that, consulting the future, with due consideration for the present, a law should be passed, and submitted to the people of the State, providing for the issuance of bonds for State Capitol purposes, sufficient to complete the work in the manner proposed.

### CHARITABLE INSTITUTIONS.

The Legislature of last winter, aside from the appropriation of one hundred and eighty-six thousand dollars ($186,000) to carry on the Insane Asylum, the State Prison, Reform School, and Deaf and Dumb Asylum, donated to institutions and asylums not connected with the State the sum of thirty thousand dollars ($30,000). From the Managers of these institutions you will, undoubtedly, receive detailed reports as to the expenditure of the sums with which they were intrusted.

### INSANE ASYLUM.

The annual reports of the Directors, the Resident Physician, and the Visiting Physicians, of the State Insane Asylum, possess a peculiar interest to all who sympathize with that class of unfortunates for whose treatment and care this beneficent institution is intended.

The Directors, named by the Act of April twenty-fifth, eighteen hun-

dred and sixty-three, organized on the fifth of May, by electing G. A. Shurtleff, President, and at once entered upon the duties imposed.

In this, as in other institutions of the State, much embarrassment is felt in its financial department. The Directors, not being able to realize their monthly appropriations, have sold the State Warrants, from time to time, for cash; in this way receiving but about three fourths of their face value. To remedy this evil, they propose a special Asylum Tax, to be devoted exclusively to the wants of that institution; but the same action that shall wisely provide sufficient revenue for payments in cash of the current expenditures of the State, will include the appropriations for the support of the Asylum.

The Resident Physician's Report to the Directors gives the statistics of the Asylum from December first, eighteen hundred and sixty-two, to October twentieth, eighteen hundred and sixty-three, a portion of which is subjoined:

| | |
|---|---|
| Number of patients, Dec. 1, 1862 | 499 |
| Number of patients, Oct. 20, 1863 | 583 |
| Patients received, Dec. 1, 1862, to Oct. 20, 1863 | 252 |
| Patients discharged, Dec. 1, 1862, to Oct. 20, 1863 | 168 |
| Discharges, (cured,) Dec. 1, 1862, to Oct. 20, 1863 | 92 |
| Discharges, (convalescent,) Dec. 1, 1862, to Oct. 20, 1863 | 13 |

Of the seven hundred and fifty-one patients under treatment during the year, it is estimated by the Resident Physician, that but two hundred and ninety-one are cases that are usually regarded as hopeful. The overcrowded state of the Asylum, and the scarcity of attendants, are commented upon in the reports of this Institution.

A full and interesting description is also given by the Resident Physician, of his late visit to the various Insane Asylums and Hospitals in the East; he having been commissioned by the Board of Directors to examine kindred institutions of other States, for the purpose of gathering facts as to their management, and plans and specifications relating to construction. This was done, that the latest improvements in the erection of Asylums, and in the treatment of insane persons, might be introduced, as far as possible, in the proposed buildings contemplated by the Act of last winter.

### STATE PRISON.

The affairs of this institution are in as favorable a condition as could be anticipated from the constant embarrassment its officers have met with in their financial department. Since taking possession, in January, eighteen hundred and sixty-two, the Prison treasury has been an average, a year behind in its receipts of cash for propriations. This has induced an increase in the

the fact of being obliged to contract for supplies at higher prices than would have been demanded on the strength of cash payments. Notwithstanding these drawbacks, and the additional obligation imposed by the Legislature last winter, to pay interest out of the Prison Fund on liabilities that were overdue, the Directors find that their scale of expenditures have been about equal to the appropriations.

As required by law, the Directors will submit their annual report to the Legislature, which will give the details of their management of its affairs, and the general condition of the prisoners and Prison.

Various improvements of an absolutely necessary character have been made during the year in and about the Prison, which have been paid for out of the annual appropriation. To place the institution, however, upon a proper footing, a greatly increased expenditure is necessary, which cannot be done without a special appropriation for the purpose. The necessity for these additions to the present capacity and strength of the prisoners' cells is just as apparent as when, a year ago, I made a recommendation to your predecessors to authorize the construction of further buildings. My convictions, urged at that time, regarding the confinement and treatment of the State prisoners, have been strengthened with the experience I have since had, and I commend the subject to your earnest consideration.

| | |
|---|---|
| Number of Prisoners December 1, 1862 | 573 |
| Number of Prisoners December 1, 1863 | 545 |
| Pardons during Year | 21 |

### REPORT OF THE ATTORNEY-GENERAL.

This report sets forth the proceedings of the year connected with the Attorney-General's office, and the statistics of that department.

The recommendations made by him, and his reasons for submitting them, are treated in detail, and an inspection will show them worthy your careful consideration.

### CODIFYING THE LAWS.

I would again, as I have once before, urge upon your attention the absolute necessity of a thorough revision and codification of the laws of California.

Citizens not versed by constant familiarity with their contents, and desirous of investigating the laws, stand aghast as they survey the fourteen ponderous tomes that constitute the statutes of this youthful State, and young aspirants to professional fame tremble as they cross the threshold that leads into this intricate abyss.

An Act authorizing the appointment of a Commission to attend to

this important duty would be hailed with satisfaction by the professional students of California Law, and by all others who may have occasion to investigate the statutes.

### GEOLOGICAL SURVEY.

According to the Report of the State Geologist, he is steadily and industriously prosecuting his important and interesting labors. In it he indicates what is necessary to be done in order to continue the survey, and to perfect what has already been done. The contributions to science, and the immediate and prospective advantages to our State, which it is believed will follow a publication of the forthcoming volumes, will prove the wisdom of creating the office of State Geologist and of continuing its existence.

A visit to the Geological Rooms in San Francisco will show that the work has been intrusted to skilful and effective hands, and I commit the continuance of the survey and the services of Professor Whitney to your intelligent consideration.

### MINES AND MINING.

The question of taxing the mines by the General Government, which was agitated at the assembling of the last Legislature, seems to have subsided, and it is to be hoped will never be revived.

The past year's experience continues to show the inexhaustible character of our mineral wealth. In relation to the mining interests of the State, I have nothing to add to or take from my views as expressed in my last Annual Message. It is an interest that should always be fostered as the foundation of our prosperity.

### SURVEYOR-GENERAL'S REPORT.

The voluminous Report of the Surveyor-General gives a careful and comprehensive exhibit of all the interests connected with his office and the State Land Office. His statistical tables present the condition of the various grants of land made to the State by Congress, for School and other purposes, and the amount of sales under each grant, and the number of acres remaining unsold.

Aside from the Tide Lands that belong to the State, the quantity of which cannot be accurately ascertained, California has become possessed, under the provisions of various grants, of the following amount of land:

| | |
|---|---|
| Grant of 16th and 36th Sections, say | 6,755,000 |
| Grant of Swamp Lands | 1,500,000 |
| Grant for Internal Improvements | 500,000 |
| Grant for a Seminary of Learning | 46,080 |
| Grant for Public Buildings | 6,400 |
| Grant for Agricultural College | 125,000 |
| Total Acres | 8,932,480 |

Of these lands there have been disposed of, up to November twentieth, eighteen hundred and sixty-three, the following amounts:

| | |
|---|---|
| Of School Lands, (500,000 acres grant) | 498,956.83 |
| Of School Lands, (16th and 36th Sections) | 399,288.66 |
| Of Seminary Lands | 42,526.82 |
| Of Public Building Lands | 5,618.82 |
| Land Warrants under Act of April 23, 1858 | 22,412.00 |
| Land Warrants under Act of April 18, 1859 | 61,600.00 |
| Swamp and Overflowed Lands | 687,768.42 |
| Tide Lands | 3,732.04 |
| Total acres disposed of | 1,721,904.59 |

Thus it will be seen that, large as the sales have been up to this time, there are yet more than seven millions (7,000,000) of acres of Public Lands still to be disposed of. This vast interest of our State is one that grows in importance from year to year, and as the interior becomes developed by population and labor, the sales of Public Lands will proportionately increase.

A great portion of the Surveyor-General's Report this year is taken up with a detailed history of the progress of the

### EASTERN BOUNDARY SURVEY.

In view of the repeated questions of jurisdiction that were brought to my notice during the first year of the present Administration, and which were, last winter, the subject of a Special Message to the Legislature, I recommended in my Annual Message, the passage of a law appointing Commissioners to act in conjunction with the authorities of Nevada Territory, in determining the location of the boundary line as recited in the Constitution of our State.

The Act of April twenty-seventh, eighteen hundred and sixty-three, was passed, authorizing and empowering the Surveyor-General of California to run, measure, and mark the line, and twenty-five thousand dollars ($25,000) set apart in the State Treasury to meet the expenses of the survey. As soon as the season would admit, the Surveyor-General

commenced his work, and kept it up until driven from the line by excessive cold weather. The details of his work will be communicated to your honorable bodies by the Surveyor-General, as required in the Act under which he made the survey. The line, as run thus far, places Honey Lake Valley, the scene of principal disturbance growing out of disputed jurisdiction, within the limits of California. On the other hand, the flourishing Town of Aurora, and some of the better portions of Mono County, are found by this new survey to be within the Territory of Nevada.

To prevent future embarrassing questions arising from a state of uncertainty in the boundary, it is desirable that the survey should be completed as early as possible; and to do this, a further appropriation will be needed. When the line shall have been run its entire length, and been accepted by this State, by Nevada, and by the General Government, we shall have a just claim for reimbursement of expenditures incurred in commencing and completing the work.

## COMMON SCHOOLS.

At the date of my last Annual Message there had been purchased by the Board of Examiners, under the Act of March sixteen, eighteen hundred and fifty-nine, bonds of the civil funded debt of the State, to the amount of one hundred and twenty thousand dollars, ($120,000;) and since that time there have been purchased additional bonds to the amount of forty-one thousand five hundred dollars, ($41,500.) Total amount purchased and now held in trust by the Treasurer of State, under that Act, one hundred and sixty-one thousand five hundred dollars, ($161,500.)

At that date there was a sum of four hundred and seventy-five thousand five hundred and twenty dollars ($475 520) due from the General Fund of the State to the School Fund, which had, under previous Administrations, been received for School Lands, and diverted from its sacred destination to pay the ordinary claims upon the Treasury. I then indicated the palpable injustice of such a state of things, and advised the passage of a law whereby all bonds of the State, redeemed thereafter, instead of being cancelled, should be transferred to the School Fund until the above amount was realized. Such a law was passed, and approved April fourteenth, eighteen hundred and sixty-three.

Under the provisions of that Act there have since been purchased and placed in the hands of the State Treasurer bonds to the amount of one hundred and seven thousand dollars, ($107,000.) This gives an aggregate of two hundred and sixty-eight thousand five hundred dollars ($268,500) of seven per cent State bonds, to the credit of the School Fund, while at the commencement of the present Administration there was but seventy-nine thousand dollars, ($79,000.) By that Act this Fund will be from time to time augmented, until there is a further addition of

three hundred and sixty-eight thousand five hundred and twenty dollars ($368,520) added to it, in interest paying bonds.

The School Fund is placed upon a legitimate basis, and it is not probable that the moneys received from the sale of School Lands will again be diverted from their proper depository. As the railroads that are being built in different portions of the State extend into the interior, the demand for these School Lands will increase, until the Fund realized from their sale will swell into proportions that will make it a credit to the enlightenment of our time; and the annual interest derived from the Fund will take the place of the additional taxation that must until then be resorted to to meet the wants of our Common Schools. Until this result is attained, it will be a privilege, as well as a duty, for our people to tax themselves liberally for the support of those institutions which serve as the base and the chief corner stone of republican liberty.

Had the system of Common School education that prevails in our Northern States found an early entrance and been nourished into life in those States that are now at war with the Union, the civilization of the nineteenth century would never have been shocked by the rebellion that now disgraces its annals. At the North the principle of education is the governing law that binds into a solid phalanx that proud array of free communities. At the South ignorance rears on every side its hideous front, until the masses are steeped in the degradation that has for years been preparing by their unprincipled leaders. The North is united in battling for a principle which education has taught them to be the very life of their institutions. The South will become assimilated to the intelligence and loyalty of the Union as soon as the result of our victories shall have dispersed the cloud of ignorance that has, with them, overshadowed the causes and consequences of the unnatural contest.

Let us then, as Californians, take these lessons to ourselves, and, rather than allow our Schools to languish, take every legitimate means to elevate their standard and insure their success.

As will be seen by the Report of the Superintendent of Public Instruction, there is a wide field of usefulness that has hitherto been but superficially cultivated. He finds the number of white children in this State, between four and eighteen years of age, to be seventy-eight thousand and fifty-five; under four years of age, thirty-nine thousand and eighty-one; white children of all ages attending Public Schools, twenty-nine thousand four hundred and sixteen; attending Private Schools, nine thousand one hundred and fifty-eight. This leaves about forty thousand children between four and eighteen who attend no School. The average period in which Schools have been kept during the School year of ten months, is five and four tenths months. The average daily per centage of attendance on the whole number of children between four and eighteen, is twenty-five per cent. Amount received from all

sources for support of Schools this year is five hundred and eighty-one thousand and fifty-five dollars and seventy seven cents ($581,055 77.)

### REPORT OF THE SECRETARY OF STATE.

The report of this officer gives a detailed statement of the affairs in his department, with such recommendations as his experience has suggested.

I respectfully refer them to your consideration.

### AGRICULTURE AND ITS INTERESTS.

The appropriations by the last Legislature for the benefit of the various Agricultural Societies were of the most liberal character. For the use of the State and parent institution, the sum of four thousand dollars ($4,000) was appropriated; for the four District Societies, the sum of eight thousand dollars ($8,000); and for each County Agricultural and Mechanical Society, the sum of five hundred dollars ($500.) These appropriations were made with the condition that each society should raise an equal amount, hold a Fair, and pay it out in premiums to exhibitors. But two counties in the State—Humboldt and Santa Clara —have applied for the five hundred dollar ($500) appropriation. Warrants have been drawn for those and the District Societies, except for the San Francisco Bay District, which held no Fair this year. The interest that always centers around the State Fair was this year enhanced by the entry of various products to compete for the State premiums offered by the Legislature of eighteen hundred and sixty-two. Of these, the Board of Judges, after a careful examination of the specimens exhibited, and of the evidences of their growth during the year, awarded premiums for cotton plantation, turpentine, resin, tobacco, and tar. In the production of turpentine, resin, and tar, developed and stimulated as it no doubt has been by the offering of these premiums, the State will reap an immediate reward. Already large tracts of pine lands have been taken up for its manufacture, local rules regulating the cutting and tapping of trees have been adopted, and a large amount of capital has been invested to open up this new branch of California industry. The cultivation of tobacco, too, is receiving a good deal of attention, and will become in a few years an important staple of our State. Hops of a superior quality have been raised, and were exhibited at the late Fair, but not in quantities sufficient to obtain a premium. In sugar, hemp, coffee, and other articles, experiments are being tried which promise ultimately to be successful. The culture of cotton has been commenced in various places, with varied success—one field of seventy acres, it is believed, would have furnished an average yield had not an early frost blighted the opening bolls. These brief statistics will indicate to you the beneficial results that have followed the action of your predecessors in their desire to foster the agricultural and manufacturing

interests of our State. To the thoughtful citizen of California, who indulges in retrospective glances over a period of fifteen years, there is no subject that fills his mind with so much pleasure as the advancement we have made in the science of agriculture. From a State entirely at the mercy of others for the comforts and necessaries of life, we have risen to an independent position, and in some productions take precedence of all other States in our annual aggregate yield. If we have attained these ends during a decade and a half, what glowing results may we not anticipate at the expiration of another fifteen years? We may then find the floods that are now the subject of annual dread subservient to the flowing and draining of rice plantations. We may see vast fields of cotton advanced to early maturity, and opening their white bolls to the genial rays of our September suns. As we now lead all other States in the production of wine and barley, we may then rival Louisiana in the production of sugar, Virginia in tobacco, and Kentucky in hemp. And while the trade and staples of North Carolina are languishing under the blighting influence of secession, the mountaineers of California may snatch from her grasp the distinction of being the chief tar State.

## MANUFACTURES.

The law of eighteen hundred and sixty-two is intended to foster, not only agriculture, but manufactures. At the State Fair of this year, premiums were awarded for the manufacture and exportation of blankets, woolen drawers and undershirts, and for the manufacture of boots and shoes, printing paper, and glass bottles. Efforts are being made, on a large scale, to introduce the manufacture of raw silk into the State, and it is anticipated by one of the parties engaged in the experiment, that in a few years, with ordinary success in the cultivation of his mulberry trees, he will be able to claim the premium of two thousand dollars for the production of the first thousand pounds of silk.

## MIGRATION AND EMIGRATION.

During the year just passed, the people of California have exhibited the same energy of character and indomitable perseverance which in former years have given the State a standing and a name among the proudest commonwealths of the nation. The emigration that hastened to her shores from other States has been of a class that is calculated to add stability to our homes and permanency to our institutions. But each year, and in this especially, we have suffered from the peculiar excitements that follow the discovery, or the imagined discovery, of new regions of wealth. Our population is extended over a vast territory, many with no tie to bind them to any particular spot, and no ambition to surround themselves with the endearing associations of a permanent home. They thus become migratory in their character, and with an im-

pulsive energy that belongs to a Californian's life, they sever the weak relations that have for a few months, perhaps, bound them to one locality, and seek a distant region for the employment of their enterprise. This has been, and will continue to be, a serious obstacle in the advancement of our vigorous State, and will only be obviated when lines of internal improvement extend into the neighboring Territories, upon which our citizens can be transported in a few hours to the scenes of these fabled discoveries, and in a few hours more return to find the prospects among their own hills and mountains as promising as the new fields they have so lately visited. Now the transit, and the preparation for it, occupies weeks and months, and when the removal is accomplished, there is no local attachment to induce, with exhausted means, the wanderer to return.

It is for reasons like these that the assessable property of the State has not increased to the extent anticipated by your predecessors.

## PACIFIC RAILROAD.

To this great work the last Legislature made an appropriation creditable to its sagacity and the enterprise of the State. Although the benefit thus bestowed is not yet available, still the construction of the road is progressing as rapidly as could be expected under the disturbed condition of the country and the consequent want of confidence on the part of capitalists; but its progress is not such as the interests of the State require.

The published reports and surveys show that there are no natural obstacles to prevent the completion of the road to the State line within two years. All that is required to insure this desirable result is the possession of pecuniary means. The want of these arises, as well as can be ascertained, from no lack of confidence on the part of the people of our own State, but because there is not that surplus capital in the hands of individuals to loan, and stock subscriptions do not commend themselves where dividends may not be early anticipated, and where loans are obtainable that command an interest of about two per cent per month.

Capitalists abroad, independent of the want of confidence induced by the unsettled condition of the country, are naturally timid about investing their means in a work of its magnitude so far from their immediate supervision, and before such an amount of work has been done as to fully demonstrate it as a reliable security. But with all these disadvantages, the Directors of the railroad are confident of completing the first fifty miles within the time required by the Act of Congress. It is to be regretted that much more may not be expected with entire confidence. The aid of Congress is not soon enough available to insure that rapid progress which the amount appropriated would otherwise secure. When the work is completed to the State line, its chiefest barriers will have

been removed, for beyond that point there is no difficulty in grading the road, and its progress thence eastwardly is only a question of how fast the track can be placed.

In considering the importance of this road to the State and nation, it is a source of unspeakable regret that it should be delayed in any particular longer than the physical obstacles to be overcome compel. It will be the great highway of the commercial world, and its completion will give to our State population to develope its recources, trade to build up its cities, and unfailing markets for all its productions; indeed, it insures to California a future of prosperous greatnes that bewilders the imagination.

In a military point of view, it is also of transcendent importance, for it will secure us from all foreign aggression by the facility with which troops can be concentrated here to overwhelm any force that could possibly be brought against us. The security it will give in this respect alone will be of incalculable value to our State and to the nation itself. And when the work shall be entirely completed and in use, it will become such a necessity to the vast trade of the world that its whole commerce will be interested in its safety, and, as a consequence, desire to maintain peaceful relations with the nation that controls it.

No more could the commercial world dispense with the use of this road when once their relations have been regulated and accommodated by it, than could the West dispense with the great lakes and the Erie Canal, or the Northwest with the Mississippi River.

It is, then, a military as well as a commercial necessity; and whether in peace or in war, its rapid construction is a question that commends itself in forcible terms to every citizen of California. The inauguration of the work in a sister Territory has recently been, in an especial manner, the subject of congratulatory dispatches from the highest National and State officials; and henceforth a spirit of generous emulation will be awakened, which will give to our State an opportunity to add to her reputation for enterprise, which she has enjoyed so long in this the most enterprising age the world has ever seen.

## PEACE OF THE STATE.

It is a noble commentary upon the peacefulness of our inhabitants, that there have been so few outbreaks of a concerted character to disturb the State during the year eighteen hundred and sixty-three. Peopled as she is by representatives from every nationality on earth, her internal affairs have been locally administered with commendable order, and with but slight and temporary deviation from the strict rule of precedent and of law.

The judicial tribunals have heard with patience, and decided with justice, the crimes that have come before them, and as a general thing, the people have learned that it is better to place their dependence upon regu-

larly organized Courts, than to resort to the summary proceedings that too often prevailed in the earlier history of the State.

### STATE LIBRARY.

According to the Report of the Secretary of State, there has been received for the Library Fund during the last year, twenty-three thousand four hundred and fifty-seven dollars and sixty-seven cents ($23,457 67.)

The State Librarian informs me that the number of books now on hand in the Library is twenty-six thousand four hundred and thirty-four. Number added during the year, four thousand one hundred and fifty-six, of which, three thousand eight hundred and seventy-eight volumes were purchased.

The additions of this year have been mostly of a miscellaneous character, and embrace works of a rare and important nature. The Library is now on a most substantial footing, and the funds at its command, and that will come in for its use, may make it the most desirable Library in the country.

### INDIAN AFFAIRS.

The year that is drawing to a close, like most of those which have preceded it in the history of our State, has been no exception in the matter of Indian hostilities. In various districts the tribes that have heretofore given most trouble have this year committed their usual depredations, and in some localities the most brutal murders have been the result of their savage incursions.

This state of things will continue until the Indian affairs of California are placed upon a different basis. The conclusions to which I arrived in calling attention to this subject a year ago, I have seen no reason to change, and when the General Government shall have conquered a peace from the white rebels who are threatening its existence, it will have ample means to devote to the consideration of their copper colored allies that infest the skirts and borders of our civilization.

From General Wright, the Commander of the Department of the Pacific, I have invariably received all the aid which his limited means would allow in the subduing of these hostile tribes. But in a field so vast, and a frontier so extended, no amount of watchfulness, with a few thousand troops, would avail to guard at all times every threatened point.

### CALIFORNIA VOLUNTEERS.

The immense scope of territory that is occupied and protected by the volunteers of this State in the service of the United States, is sufficient evidence of the efficiency with which they have been organized. Over the vast plains of Arizona and New Mexico, to the confines of Texas, our columns have pushed their way, overcoming all obstacles, whether

partaking of the fatigues of the desert, the presence of hostile Indians, or the threatening aspect of domestic enemies.

Their contiguity to the Mexican boundary has doubtless done much to keep down that spirit of sedition that the character of the emigration from California and from the East to Sonora was calculated to foster.

Over the plains, to the great valley of the Salt Lake, other columns have found their way, giving protection to the Overland Route—chastising the Indians wherever found in hostility, and giving a permanency to the rising strength of that region, and an immunity from Indian depredations which they never before enjoyed. In various portions of our own State, from the borders of Oregon to its extreme Southern limit, other companies and detachments of California Volunteers are stationed to protect our frontiers, and to hold themselves in readiness for any emergency that may arise in their neighborhood.

The suggestions which were indicated in my last Annual Message, on the propriety of allowing our volunteers, in whatever field of duty they were ordered, to exercise the elective franchise, were happily inaugurated by the last Legislature; and it is a pleasing reflection that the law thus passed added thousands of Union votes at the late elections.

## THE SANITARY FUND.

California, as a State, by her remote position from the theatre of war, has not been able, to any great extent, to place her volunteers into the active field where so much glory has been won by her sister States of the Union. In order, however, to vindicate her loyalty, and to assert in unmistakable terms the veneration she feels for the free institutions that have given her birth—to uphold and strengthen the hardy veterans in those distant States who, whether in victory or in disaster, present an unflinching front to the traitor hordes who would destroy those institutions—she has had reserved for her another and a peculiar duty. Following closely in the rear of our marching armies, and hovering ofttimes in dangerous proximity to the fierce encounter of the battling hosts, there is an organized commission that watches the changing tide of events with unflinching courage and with untiring anxiety. When the battle ends, the work of this organization begins; and terrible as are its details, the grandeur of its operations has become the theme of the nation's praise. The United States Sanitary Commission is one of the features of this rebellion. While its objects are of the most peaceful and Christian character, it never shrinks from the dread realities with which it is constantly surrounded. It is a moral adjunct that follows and tempers the exciting scenes that have created its necessity, and the soldier watches the floating emblem of its presence with a consciousness that his fortunes are overlooked with zealous and unceasing care.

While to the other States of the Union is accorded the glorious privilege of sending their quotas of volunteers into the field, the honor has

been given to California of being the foremost State in sustaining the sometimes depressed fortunes of that organization which has so earnestly, under all circumstances, pursued its work. And whether our minds wander among the sacred scenes that have been baptized in the blood of the brave Army of the Potomac, or follow the noble hosts that are gradually but surely restoring to the Union the South and the Southwest, we cannot doubt that during the long watches of the night, from thousands of prostrate forms, lying in soothed repose among the hospitals of the Sanitary Commission, there rises the heartfelt invocation that God will prosper the Golden State.

She has done—she is doing—a memorable work; and the armies of the Union may be assured that her efforts will not cease as long as the fearful incentive remains to inspire her generous instincts.

### STATE MILITIA.

From the Report of the Adjutant-General, it appears that the organized militia of the State comprises at this time one division, six brigades, five regiments, four battalions, and sixty-two companies unattached; forming in the aggregate a force of eight thousand four hundred and eighty officers and men. This number is made up of companies as follows:

| | |
|---|---|
| Infantry Companies | 95 |
| Cavalry Companies | 15 |
| Riflemen Companies | 8 |
| Artillery Companies | 3 |
| Sappers and Miners Company | 1 |
| Total | 122 |

The organizations during the year have been:

| | |
|---|---|
| Infantry Companies | 41 |
| Cavalry Companies | 11 |
| Riflemen Companies | 4 |
| Artillery Companies | 2 |
| Total | 58 |

Under the Act of April twenty-fifth, eighteen hundred and sixty-three, amendatory of and supplemental to the Militia Law of eighteen hundred and sixty-two, there has been held one Camp of Instruction and four Brigade Encampments. The Adjutant-General estimates the cost of these Encampments to the State at one hundred and forty thousand

dollars, ($140,000), exclusive of camp equipage, which the State now owns, and which, with care, may be used for the same purpose for years. This estimate gives an expenditure for transportation, pay, and subsistence, of thirty-five dollars to the man, or three and a half dollars ($3 50) per day for the ten days they were in camp. For details of these expenditures and their probable results your attention is called to the thorough exposition of the Adjutant-General.

Independent of their necessary cost, the policy of maintaining Brigade Encampments may be questioned, on the ground that they may seriously interfere with the willingness of our citizens to enter the volunteer force, knowing that they will be subjected to the loss of time from their ordinary avocations, in attending to this duty as required by law. Men can devote the necessary time for company drill, and are willing to do so, while the attendance upon a distant encampment might involve a more serious sacrifice than they would voluntarily incur.

The last Legislature provided for the support of armories for the different companies a sum not exceeding fifty dollars ($50) per month; for each regiment one hundred and fifty dollars ($150) per month; and for [illegible] not less than two hundred and fifty dollars ($250) per month. In the aggregate these appropriations will be found to swell to a large and [illegible] amount. This should be remedied. Our expenditures for military purposes are at any event necessarily large, and [illegible] the importance of sustaining the militia upon a sound and permanent footing that is all-obvious reason that the appropriations [illegible] should be made in a spirit of wise and judicious economy. [illegible] applied to the experience of the last year, and I [illegible] consider what may or may not be required to maintain it at its present basis and at the same time to increase the [illegible] organizations of our State.

[illegible] arms and equipments to the companies already formed [illegible] sufficient. While the question of supply was under discussion in the Legislature last winter, a proposition was before it for [illegible] the State. I was informed by the Secretary of War that arms [illegible] in this State in the event of [illegible] field batteries [illegible] limited the issue to this State to three thousand sets [illegible].

[illegible] was received from the War Department in a telegram [illegible] one hundred and [illegible] communicated to the Senate [illegible] has since been [illegible] three thousand [illegible] as the number [illegible] having a full supply [illegible] the attention [illegible].

[illegible] means of defence,

and the cheapest that can be devised; and while it has no tendency to overawe or endanger the liberties of a State, it will always prove in times of great danger a more powerful force than any regular one that could be maintained, or that safety would admit. A few millions of dollars, equal only to the cost of supporting a few regiments of regular troops, appropriated each year by the General Government, for a thorough development of the militia system, would secure to it a force sufficient for any emergency. There is a well founded impression existing, that in the future the United States must have a strong military force to rely upon, but I trust the nation will never fall into the folly of maintaining a large standing army.

Neglected as was our militia force previous to the breaking out of the present war, we have still seen that the people have been equal to a more trying emergency than can with reason be expected to occur again. Never dangerous, and always powerful, let our dependence rest chiefly upon this arm of power for protection. I do not apprehend that, when the rebellion is deprived of its large armies and usurping Government, there will be a necessity to keep up a large force in the districts that have been the scene of strife. Guerrilla bands can only prey upon the people for whom they profess friendship, and upon their heads the punishment will fall. This is a strong guarantee against that class of marauders, who, when their usurping Government, with its large armies, has disappeared, would degenerate into mere robbers and public plunderers, and become amenable to the civil authorities.

### HARBOR DEFENCES.

It is with peculiar gratification that I have to record the prompt action of the War and Navy Departments in providing means of defence for the Harbor of San Francisco. To the last Legislature I recommended that "earnest representations should be made to the National Government for complete protection to the Harbor of San Francisco." Those representations were made, and already a first-class iron-clad vessel has been built, and has arrived in that harbor. Owing, however, to an unforeseen disaster, there will be much necessary delay in reconstructing the vessel for active operations. Meanwhile, competent engineers have made a thorough survey of the shore lines, between the city and the Golden Gate, and active operations are already commenced for erecting additional fortifications and water batteries.

### THE NATIONAL CURRENCY.

The subject of the currency of the country at this time engages much of the public attention, and is one that addresses itself to the patriotism of the people as well as to their immediate financial interests. In its adherance to gold and silver as the standard of trade, California stands alone among the States of this Union, and forms an exception to the

owe to the parent Government, and that we should take a stand such as we should desire to occupy in history? Let us determine then by our action in no degree to embarrass the great central power, or do aught to impair public confidence in National affairs. Let no considerations of temporary advantage, or desire to avoid temporary inconvenience, sway our actions, or turn us from that course which duty and patriotism may point out.

If there be a doubt of the course for us to pursue, whether we shall or shall not favor the general circulation of United States Legal Tender Notes, let us give the benefit of that doubt to the side of our country. Let us, while faithfully meeting obligations already incurred, provide that in the future the State shall receive into and pay out of her Treasury, without distinction, the legal currency of the country.

### FEDERAL RELATIONS.

For nearly three years our National Government has been engaged in efforts to suppress the most gigantic rebellion known to history, either ancient or modern. At the adjournment of the last Legislature, and for some time subsequent, there was a spirit of gloom that seemed to lower over a portion of the North, that invited dissentions and accumulated feelings of distrust. The elections in some of the States indicated an organized opposition to the policy of the Administration, and in some instances the minds of loyal men were appalled at the contemplation of a divided sentiment and a divided purpose. In the midst of all, the aspect of our foreign relations was in many respects doubtful, it being the general belief that some of the European Powers would take advantage of our temporary disasters to urge their threats of Southern recognition, and to lend not only their sympathy but their aid to give Southern pirates an outfit to prey upon our commercial marine. But the victories of July marked a revolution in our affairs. The dissensions that had crept into the loyal States, the doubts that prevailed as to our ultimate success, and the growing fear of foreign intervention, were overcome in the glories of Gettysburg, Vicksburg, and Port Hudson. Other triumphs have since followed the National arms, and the people have spoken in unmistakable tones through the ballot boxes of the loyal States their purpose to support the Administration, and they have evinced in language not to be misunderstood, their detestation of the black conspiracy that has so long threatened the beloved institutions of their country. With this sentiment, strengthened as it will be by every victory that rewards the valor of our troops, the result of the struggle in which we are engaged cannot be doubtful. The patriotism, spirit, and loyalty of the people will soon succeed in restoring where it rightfully belongs the control of every foot of territory within the National boundaries.

In view of this result, and the consequent near approach of the period

for deciding the questions immediately to arise thereafter, it is well to consider the condition in which the territory so recovered will be left, and the new and important duties that will be imposed thereby upon the National Government. California, in common with all the other States that are contending for the Union, has a deep interest in the settlement of these questions. In their adjustment, the future peace and prosperity of the Republic, and of each State, are involved, and if wisdom and firmness prevail to the very end, the loyal people in the recovered territory will be rescued from the anarchy into which they have been plunged by the rebellion. The future destiny of that portion of our country should be so regulated and established as to secure a thorough and effectual eradication of every system not in harmony with the great principles of liberty, which form the foundation of our republican institutions. In this regard the rebellion is not an unmixed evil, for while its existence is to be deplored, it gives to the loyal States, in the might of their success, the opportunity and the right to act for the greatest good of the whole country.

The persons who now fill the public offices in the seceded States, are no longer performing, nor are they capable of performing, the duties imposed upon them by the Federal Constitution. By their treason they have incapacitated themselves, as far as the nation is concerned, having publicly renounced their allegiance to the United States, and asserted their sworn fidelity to a new and hostile government, called the "Confederate States of America." They are, in fact, enemies, conducting hostilities against the national power, under an organization foreign to the Constitution under which alone they could claim existance. They have renounced and forfeited all rights, privileges, and powers conferred by the Constitution, and are struggling, with all their energies, to secure and maintain their independence as a new and antagonistic power. Hence, it may be assumed as an unquestionable fact, that in the rebellious territory, State governments, as recognized by the Constitution of the United States, have ceased to exist; and when their treasonable organizations have been obliterated, the people will be without local government, and dependent entirely upon the great central power, which, with its laws extending over all the national boundaries, precludes the idea that the people within their limits could fall back upon those original rights which belong to communities in a state of nature, and attempt to organize governments independent of all others. Such action would be foreign to the Constitution and laws, and would not be recognized by the nation. The importance of considering this state of affairs is better appreciated when we consider the true issues involved in the struggle that convulses our land.

While on our side it is one for the preservation of the Union and the integrity of our national boundaries, it becomes more and more apparent as it develops itself, that the contest is also one of principles, and

gigantic as are its proportions, there is in its moral consequences a sublimity and grandeur that overwhelms its material results. It is the never ending strife between freedom and oppression, involving in its result the question of free government for the civilized world. Our country is the battle ground upon which the decision, which will be a controlling one for a long time to come, is to be made. The issue has been fully made up, and entire victory perching upon either banner can only determine the result. Bearing this in mind, let us deal with things as they are, *untrammelled by precedent;* let our action be in harmony with the issue, so as to secure liberty and Republican Government to all, as the fruits fairly earned by the unprecedented sacrifices we have made to consummate the victory.

State Governments having ceased to exist in the rebellious territory, let such laws be provided for them as shall secure to them for all coming time, liberty, loyalty, and domestic tranquility. Should a loyal State neglect or refuse to maintain a State Government, would it not lapse into an abnormal condition, which would at once require the central power to provide for it in accordance with that provision of the United States Constitution, which guarantees to every State a republican form of government? In what respect, and for what reason, then, should the rebel territory have other treatment? I fail to perceive any. In legislating for the Territories, while treating with the utmost consideration the inhabitants thereof, it is the duty of Congress to consider the welfare of the whole people of the United States, and admit no Territory to become a State, with all the rights and privileges of a member of the Union, until consistent with the safety and political integrity of the nation, and when sound public policy demands its admission.

With this view it might be just and wise that, in re-organizing the rebellious territory, old State lines should be disregarded, and perhaps their very boundaries and names obliterated, so that in the future their loyal inhabitants, taking a just and proper pride in their local institutions and States, shall not unnecessarily suffer the mortification and injury of associating with the history of so vile a rebellion, that was not only against the great principles of liberty and freedom, but sought, with a worse than parricidal hand, and with treachery the most unnatural, the eternal and never to be forgotten infamy of dismemberment and destruction of their common country.

Let the foul blot upon our national escutcheon and upon the humanity of the age be to the greatest possible extent removed forever; and since the fearful contest in which we are engaged is on our part one for the upholding and perpetuating of human liberty and equal rights, let us, upon the field of its successes, erect the proudest evidences of a nation's justice, and its unyielding faithfulness to the principles of a free and equal government. The peace that is to succeed this mighty struggle *must be no ephemeral patching up of old* and long discussed feuds, but it

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